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Cathi Christensen

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(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

By re Patent Application of:  
Peter Camble, et al.

Application No.: 10/034,888

Group Art Unit: N/A

Filed: December 28, 2001

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR SECURING  
DRIVE ACCESS TO DATA STORAGE  
MEDIA BASED ON MEDIUM IDENTIFIERS

PETITION TO THE COMMISSIONER

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OFFICE OF PETITIONS

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Petition is hereby made to enter the inadvertently omitted enclosed FIGURE 4 and to retain the initially granted filing date of December 28, 2001 in the above-identified Application.

The enclosed FIGURE 4 is presented in response to a Notice of Missing Parts, dated January 31, 2002 which includes a statement that "The following item(s) appear to have been omitted from the application: • Figure(s) 4 described in the specification." (emphasis in original). Pursuant to MPEP §601.01(g) applicants are willing to accept the application as deposited with the USPTO and retain the filing date of December 28, 2001. However, Applicants submit this petition and the accompanying FIGURE 4 to clarify paragraphs 14 and 23 of the specification wherein a FIGURE 4 is listed and described. The originally granted filing date of December 28, 2001 should be retained for the following reasons.

As stated in MPEP §608.02, "A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains: (A) at least one process claim including the

term "process" or "method" in its introductory phrase;" The claims, 7 and 13, reciting subject matter of FIGURE 4, "overwriting an existing unique identifier in cartridge memory of a selected media...", are both method claims, and include the word "method" in their preambles. Furthermore, the addition of FIGURE 4 adds no new matter to the present application as FIGURE 4 is fully disclosed and described in paragraph 23 of the Specification.

37 CFR §1.81(d) provides that "Drawings submitted after the filing date of the application may not be used to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim." Applicants respectfully contend that claims 7 and 13 are self-enabling and that the Specification additionally fully enables claims 7 and 13 at least in the description provided in paragraph 23. Therefore, FIGURE 4 is not submitted in an attempt to "overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure". Nor is the submission of FIGURE 4 intended to "supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim." The scope of these claims is either self evident and/or refined by the aforementioned enabling disclosure of at least paragraph 23.

FIGURE 4 is presented for inclusion in the above identified application to provide clarification of paragraphs 14, part of the "Brief Description of the Drawing" and paragraph 23, wherein FIGURE 4 is described in detail. FIGURE 4 is presented pursuant to 37 CFR §1.81(b), which provides "Drawings may include illustrations which facilitate an understanding of the invention (for example, flowsheets in cases of processes, and diagrammatic views)." However, FIGURE 4 is clearly not required under 37 CFR §1.81(a) as FIGURE 4 is not "necessary for the understanding of the subject matter sought to be patented".

Therefore, for at least the reasons presented above Applicants respectfully petition that enclosed FIGURE 4 which was inadvertently omitted from Applicants' original disclosure but fully described therein be entered and that the initially granted filing date of December 28, 2001 be retained in the above-identified Application.

The Commissioner is hereby authorized to charge Deposit Account 06-2380 in the amount of \$130.00, covering the fee set forth in 37 CFR §1.17(j). The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to Deposit Account No. 06-2380, under Order No. DO-47607/P462/10106213 A duplicate copy of this paper is enclosed.

Dated: 3/28/02

Respectfully submitted,

By 

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